

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARTEN GROUP, INC. d/b/a
SENERGY MEDICAL GROUP and
SCOTT TENNANT,

Plaintiffs,

v.

JERALD TENNANT, MD, JOHN
TENNANT, TERESA JESSEN
TENNANT, JARED TENNANT,
TENNANT DEVICES AND
ACCESSORIES, LLC, and
CURADOR, LLC,

Defendants.

Case No. 3:24-cv-01852

JURY TRIAL DEMANDED

**APPENDIX TO DEFENDANTS' EMERGENCY MOTION FOR LIMITED
PROTECTIVE ORDER RE: PLAINTIFFS' NOTICE OF DEPOSITION OF
JERALD TENNANT, M.D.**

Pursuant to Local Rule 7.1, Defendants submit the attached evidence referenced in its Emergency Motion for Limited Protective Order regarding Plaintiffs' Notice of Deposition of Dr. Tenant.

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Dated: September 27, 2024

Respectfully submitted,

/s/Tyler L. Farmer

Tyler L. Farmer

WSBA No. 39912

Pro Hac Vice

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Ariel A. Martinez

WSBA No. 54869

Pro Hac Vice

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Chelsey L. Mam

WSBA No. 44609

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ATTORNEYS FOR DEFENDANTS
JERALD TENNANT, MD, JOHN
TENNANT, TERESA JESSEN TENNANT,
JARED TENNANT, TENNANT DEVICES
AND ACCESSORIES, LLC, and
CURADOR, LLC

CERTIFICATE OF SERVICE

I certify that this document is being served via ECF on counsel of record.

/s/Tyler L. Farmer

Tyler L. Farmer

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARTEN GROUP, INC. d/b/a
SENERGY MEDICAL GROUP and
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Plaintiffs,

v.

JERALD TENNANT, MD, JOHN
TENNANT, TERESA JESSEN
TENNANT, JARED TENNANT,
TENNANT DEVICES AND
ACCESSORIES, LLC, and
CURADOR, LLC,

Defendants.

Case No. 3:24-cv-01852

JURY TRIAL DEMANDED

**DECLARATION OF TYLER L. FARMER IN SUPPORT OF DEFENDANTS'
EMERGENCY MOTION FOR PROTECTIVE ORDER RE: PLAINTIFFS'
NOTICE OF DEPOSITION**

I, Tyler L. Farmer, hereby declare as follows:

1. I am one of the attorneys for Defendants in this matter. I am over age 18 and am competent to be a witness. I am making this declaration based on facts within my own personal knowledge.

2. Attached as **Exhibit A-1** is a true and correct copy of an email chain between Plaintiffs/Counter-Defendants' counsel, Casey Griffith, and myself related to their request for an extension of the deadline to respond to the preliminary injunction.

3. Consistent with the correspondence, during the meet and confer we held on September 3, 2024, counsel represented that the requested extension was to obtain expedited discovery, including Dr. Tennant's deposition, in order to respond to the preliminary injunction motion and an upcoming state court hearing. Counsel said nothing about medical or other family issues that may prevent counsel from filing a timely response.

4. Attached as **Exhibit A-2** is a true and correct copy of a letter I sent to counsel on September 20, 2024, objecting to the time and location of the deposition of Dr. Tennant and proposing our reasonable alternative approach.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington on this 27th day of September, 2024.

s/Tyler L. Farmer

Tyler L. Farmer, WSBA #39912

CERTIFICATE OF SERVICE

I certify that this document is being served via ECF on counsel of record.

/s/Tyler L. Farmer

Tyler L. Farmer

Exhibit A-1

Erin Fujita

From: Tyler Farmer
Sent: Wednesday, September 4, 2024 12:19 PM
To: Casey Griffith
Cc: Ariel Martinez; Chelsey Mam; Justin Hanna; Michael Barbee; Kirk Voss; Joshua Yun
Subject: RE: Marten Group, Inc. v. Jerald Tenant, et al.

Casey,

Following up on our conversation, we do not agree to Scott and Senergy's requests for discovery or for an extension of time to oppose our motion, which seeks time sensitive relief.

We will consider a reasonable extension of the deadline for your response to the counterclaims and look forward to receiving your specific proposal.

Regards,
Tyler

Tyler Farmer
Bryan Cave Leighton Paisner LLP - Seattle, WA USA
tyler.farmer@bclplaw.com
T: +1 206 294 7411

From: Casey Griffith <casey.griffith@griffithbarbee.com>
Sent: Tuesday, September 3, 2024 8:27 AM
To: Tyler Farmer <Tyler.Farmer@bclplaw.com>
Cc: Ariel Martinez <ariel.martinez@bclplaw.com>; Chelsey Mam <Chelsey.Mam@bclplaw.com>; Justin Hanna <Justin.Hanna@bclplaw.com>; Michael Barbee <michael.barbee@griffithbarbee.com>; Kirk Voss <kirk.voss@griffithbarbee.com>; Joshua Yun <joshua.yun@griffithbarbee.com>
Subject: Re: Marten Group, Inc. v. Jerald Tenant, et al.

—
214-662-7140.

Regards,

Casey Griffith | Partner
Griffith Barbee PLLC
1722 Routh St., Ste. 910, Dallas, TX 75201
O: 214.446.6022 **C:** 214.662.7140

On Sep 3, 2024, at 9:36 AM, Tyler Farmer <Tyler.Farmer@bclplaw.com> wrote:

Casey,

I'm available at 11:30 Pacific today. If that works, please let me know the best number.

Thanks,
Tyler

On Aug 30, 2024, at 12:51 PM, Casey Griffith <casey.griffith@griffithbarbee.com> wrote:

Counsel,

Please advise of the availability of one of Defendants' counsel to confer with us on Tuesday, September 3 regarding the following:

1. Plaintiffs conducting expedited discovery regarding the evidence submitted in support of Defendants' preliminary injunction motion.
2. An extension of time to respond to Defendants' preliminary injunction motion.
3. An extension of time to respond to Defendants' counterclaim.

I look forward to hearing from you.

Regards,

Casey Griffith | Partner
Griffith Barbee PLLC

1722 Routh St., Ste. 910, Dallas, TX 75201

O: 214.446.6022 **C:** 214.662.7140

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Exhibit A-2

Erin Fujita

From: Erin Fujita
Sent: Friday, September 20, 2024 4:17 PM
To: casey.griffith@griffithbarbee.com; michael.barbee@griffithbarbee.com; kirk.voss@griffithbarbee.com; joshua.yun@griffithbarbee.com
Cc: Tyler Farmer; Ariel Martinez; Chelsey Mam; Justin Hanna; Kellie McDonald
Subject: Marten Group, Inc., et al v. Jerald Tenant, et al.
Attachments: 2024-09-20 TLF Letter - Griffith Barbee re Dr. T Dep .pdf

Counsel:

Please see the attached letter from Tyler Farmer.



Erin Fujita
Legal Secretary
erin.fujita@bclplaw.com
T: +1 206 294 7387

Bryan Cave Leighton Paisner LLP
999 Third Avenue, Suite 4400, Seattle, WA 98104

bclplaw.com



Bryan Cave Leighton Paisner

September 20, 2024

Tyler L. Farmer
 Partner
 Direct: +1 206 294 7411
 Fax: +1 206 623 8717
 tyler.farmer@bclplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP
 999 Third Avenue Suite 4400
 Seattle WA 98104
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 F: +1 206 623 8717
bclplaw.com

Casey Griffith
 Michael Barbee
 Kirk Voss
 Joshua Yun
 Griffith Barbee PLLC
 One Arts Plaza
 1722 Routh St., Ste. 910
 Dallas, TX 75201

Sent via Email

**Re: Marten Group, Inc., et al. v. Jerald Tennant, et al. – Deposition of Dr. Tennant
 N.D. Texas Dallas Division – No. 3:24-cv-01852-E**

Dear Counsel:

We object to the Notice of Deposition your office issued on September 17 for an in-person deposition of Dr. Jerald Tennant on October 9, 2024. Given that Plaintiffs/Counter-Defendants' (Senergy's) purported need for this deposition is to prepare the response to the preliminary injunction, we propose reasonable limitations to the deposition to avoid undue burden, expense, and oppression. FRCP 26(c). Our proposals are consistent with the Court's standing order requiring that the parties engage in "ongoing, and meaningful planning for proportional discovery."

- The deposition should be limited in time to three hours on the record. Dr. Tennant is an 84-year-old man and this time limitation is consistent with his physical ability to sit for extended periods of time. Importantly, this time limitation still allows more than sufficient opportunity for Senergy to seek information relevant to a response to the preliminary injunction.
- The deposition should be taken by remote means, such as Zoom. Senergy has provided no reason why this deposition cannot proceed remotely, instead unilaterally demanding an in-person deposition that will only serve to increase litigations costs. A remote deposition here will significantly reduce the burden, especially since lead counsel is located in Seattle. More, Dr. Tennant will be able to better coordinate the deposition timing with his ongoing medical practice.
- The deposition should begin at 10:30 am (CT) to accommodate both Dr. Tennant's clinic schedule and counsel in Seattle.

Please confirm by close of business on Monday, September 23, whether you are willing to accommodate these requests. If not, please identify a time Tuesday between 9 am – 12 pm (PT) that you are available for a discovery conference.

September 20, 2024
Page 2



Very truly yours,

A handwritten signature in black ink, appearing to read "TLF".

Tyler L. Farmer
Partner

TLF:emf

cc: Ariel A. Martinez
Chelsey L. Mam
Justin D. Hanna

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MARTEN GROUP, INC. d/b/a
SENERGY MEDICAL GROUP and
SCOTT TENNANT,

Plaintiffs,

v.

JERALD TENNANT, MD, JOHN
TENNANT, TERESA JESSEN
TENNANT, JARED TENNANT,
TENNANT DEVICES AND
ACCESSORIES, LLC, and
CURADOR, LLC,

Defendants.

Case No. 3:24-cv-01852

JURY TRIAL DEMANDED

**DECLARATION OF CHELSEY L. MAM IN SUPPORT OF DEFENDANTS'
EMERGENCY MOTION FOR PROTECTIVE ORDER RE: PLAINTIFFS'
NOTICE OF DEPOSITION**

I, Chelsey L. Mam, hereby declare as follows:

1. I am one of the attorneys for Defendants in this matter. I am over age 18 and am competent to be a witness. I am making this declaration based on facts within my own personal knowledge.

2. During the FRCP 26(f) conference, Plaintiffs/Counter-Defendnats counsel, Casey Griffith, stated just before the end of the call that they would be issuing a notice of deposition to Dr. Tennant.

3. Later that day, counsel noted Dr. Tennant's deposition for October 9 at 9 am (CST) in Dallas. Attached as **Exhibit B-1** is a true and correct copy of the correspondence and notice.

4. After Plaintiffs/Counter-Defendants counsel did not respond to my colleague, Tyler Farmer's, September 20, 2024 letter regarding the objections to Dr. Tennant's deposition notice, I scheduled a meet and confer to discuss. Attached as **Exhibit B-2** is a true and correct copy of the email correspondence.

5. We held that meet and confer on September 24, 2024 by phone. During the call, we explained the bases for Dr. Tennant's requested limits to the deposition. Senergy disregarded those reasons and suggested that its only compromise would be to split the deposition into 2 days for 3.5 hours each day, to begin at 10:30 am (CT).

6. Attached as **Exhibit B-3** is a true and correct copy of September 20 – 24, 2024 email exchange between counsel for Plaintiffs/Counter-Defendants and Defendants/Counter-Plaintiffs regarding the meet and confer about the deposition.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington on this 27th day of September, 2024.

s/Chelsey L. Mam

Chelsey L. Mam, WSBA #44609

CERTIFICATE OF SERVICE

I certify that this document is being served via ECF on counsel of record.

/s/*Tyler L. Farmer*
Tyler L. Farmer

Exhibit B-1

Erin Fujita

From: Joshua Yun <joshua.yun@griffithbarbee.com>
Sent: Tuesday, September 17, 2024 2:50 PM
To: Tyler Farmer; Chelsey Mam; Justin Hanna; Ariel Martinez; Erin Fujita; Kellie McDonald
Cc: Casey Griffith; Michael Barbee; Kirk Voss
Subject: SERVICE: Marten Group et al v. Dr. Tennant et al - Deposition Notice of Dr. Tennant
Attachments: 2024.09.17 - Rule 30(b)(1) Depo Notice to Dr. Tennant.pdf

Counsel,

Please find attached Plaintiffs' notice of deposition for Dr. Tennant, to take place at the Dallas offices of BCLP on October 9, 2024, 9:00 a.m. CST.

As discussed during our meet-and-confer—while we'll try our best to cooperate on the date and time, we must conduct the deposition and receive the transcript back in time to prepare our response to Defendants' Motion for Preliminary Injunction. To that end, if you have any other dates/times you would like to propose, please do so by COB this Thursday.

Let us know if you have any additional questions or concerns.

Very best,

Josh

Joshua Yun | Associate
Griffith Barbee PLLC
1722 Routh St., Ste. 910, Dallas, TX 75201
O: 214.446.6073 **C:** 972.537.8879

**United States District Court
Northern District of Texas
Dallas Division**

MARTEN GROUP, INC. D/B/A
SENERGY MEDICAL GROUP AND
SCOTT TENNANT,

Plaintiffs

v.

JERALD TENNANT, MD, JOHN
TENNANT, TERESA JESSEN TENNANT,
JARED TENNANT, TENNANT DEVICES
AND ACCESSORIES, LLC, AND
CURADOR, LLC,

Defendants

Case No. 3:24-cv-01852-E

Plaintiffs' Notice of Deposition of Defendant Jerald Tenant, MD

Please take notice that pursuant to Rule 30(b)(1), Plaintiffs Marten Group, Inc. d/b/a Senergy Medical Group and Scott Tennant will take the deposition by oral examination of Defendant Jerald Tenant, MD, on **October 9, 2024**, beginning at **9:00 a.m. CST**, and continuing day to day until completed, at the offices of Bryan Cave Leighton Paisner LLP, 2200 Ross Avenue, Suite 4200W, Dallas, TX 75201-7965.

Testimony will be recorded by stenographic and audiovisual means before an officer authorized to administer oaths under Rule 28. The deposition, when so taken and returned according to law, will be used in evidence to support the Plaintiffs' claims and defenses in this suit, and counsel for Dr. Tenant may be present at such time to examine Dr. Tenant.

September 17, 2024

Respectfully submitted,

Griffith Barbee PLLC

/s/ Joshua Yun

Casey Griffith
Texas Bar No. 24036687
Casey.Griffith@g Griffithbarbee.com

Michael Barbee
Texas Bar No. 24082656
Michael.Barbee@g Griffithbarbee.com

Kirk Voss
Texas Bar No. 24075229
Kirk.Voss@g Griffithbarbee.com

Joshua Yun
Texas Bar No. 24120335
Joshua.Yun@g Griffithbarbee

One Arts Plaza
1722 Routh St., Ste. 910
Dallas, Texas 75201
(214) 446-6020 | main
(214) 446-6021 | fax

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on September 17, 2024, a copy of this document was served on all counsel of record via email and pursuant to the Rules.

/s/ Joshua Yun

Joshua Yun

Exhibit B-2

Erin Fujita

From: Chelsey Mam
Sent: Wednesday, September 25, 2024 9:00 PM
To: 'Casey Griffith'; Erin Fujita; Michael Barbee; Kirk Voss; Joshua Yun
Cc: Tyler Farmer; Ariel Martinez; Justin Hanna; Kellie McDonald
Subject: RE: Marten Group, Inc., et al v. Jerald Tennant, et al.

Hi Casey,

We will file our motion for protective order on the bases we raised during our call yesterday, not all of which are captured by your email. We plan to file it no later than Monday (9/30).

Thank you,
Chelsey



Chelsey Mam
Attorney
Bryan Cave Leighton Paisner LLP - Seattle, WA USA
chelsey.mam@bclplaw.com
T: +1 206 294 7425

From: Casey Griffith <casey.griffith@griffithbarbee.com>
Sent: Tuesday, September 24, 2024 1:49 PM
To: Chelsey Mam <Chelsey.Mam@bclplaw.com>; Erin Fujita <erin.fujita@bclplaw.com>; Michael Barbee <michael.barbee@griffithbarbee.com>; Kirk Voss <kirk.voss@griffithbarbee.com>; Joshua Yun <joshua.yun@griffithbarbee.com>
Cc: Tyler Farmer <Tyler.Farmer@bclplaw.com>; Ariel Martinez <ariel.martinez@bclplaw.com>; Justin Hanna <Justin.Hanna@bclplaw.com>; Kellie McDonald <Kellie.McDonald@bclplaw.com>
Subject: Re: Marten Group, Inc., et al v. Jerald Tennant, et al.

Chelsey,

I'm writing to follow up on our recently concluded Zoom conference attended by you, Justin, and Ariel for Defendants.

This email confirms that Plaintiffs are willing to split Dr. Tennant's deposition up over two days so that he doesn't have to sit for more than 3.5 hours on any single day. Also, I'm willing to accommodate your request to start deposition days for him at 1030 am, given you said that start time works better for his schedule.

My understanding is that there are no medical reasons to limit the deposition of Dr. Tennant. Indeed, I understand from you that Dr. Tennant is still working in his clinic treating patients. And the only reasons offered to alter the standard deposition procedure specific to him that I heard you indicate are (1) his age and (2) he may have trouble reading documents. I didn't hear you articulate any other reasons specific to Dr. Tennant. My understanding from you is that he doesn't have any age-related conditions relevant to the taking of deposition.

Please let me know if I have misunderstood.

Lastly, please advise when you intend to file your motion for protective order, assuming my offer to split up his deposition over two days and start at 1030 am each day is unacceptable to you.

Regards,

Casey Griffith | Partner

Griffith Barbee PLLC

1722 Routh St., Ste. 910, Dallas, TX 75201

O: 214.446.6022 **C:** 214.662.7140

From: Chelsey Mam <Chelsey.Mam@bclplaw.com>

Date: Monday, September 23, 2024 at 5:32 PM

To: Erin Fujita <erin.fujita@bclplaw.com>, Casey Griffith <casey.griffith@griffithbarbee.com>, Michael Barbee <michael.barbee@griffithbarbee.com>, Kirk Voss <kirk.voss@griffithbarbee.com>, Joshua Yun <joshua.yun@griffithbarbee.com>

Cc: Tyler Farmer <Tyler.Farmer@bclplaw.com>, Ariel Martinez <ariel.martinez@bclplaw.com>, Justin Hanna <Justin.Hanna@bclplaw.com>, Kellie McDonald <Kellie.McDonald@bclplaw.com>

Subject: RE: Marten Group, Inc., et al v. Jerald Tennant, et al.

Counsel –

We are following up on our correspondence from Friday. Since we did not hear back from you regarding our proposed limits on the deposition, we would like to have a meet and confer tomorrow at 11 am (PT) / 1 pm (CT). We will send a calendar invite shortly. Please let us know if another time tomorrow afternoon works better for you.

Thanks,

Chelsey



Chelsey Mam
Attorney
Bryan Cave Leighton Paisner LLP - Seattle, WA USA
chelsey.mam@bclplaw.com
T: +1 206 294 7425

From: Erin Fujita <erin.fujita@bclplaw.com>

Sent: Friday, September 20, 2024 4:17 PM

To: casey.griffith@griffithbarbee.com; michael.barbee@griffithbarbee.com; kirk.voss@griffithbarbee.com; joshua.yun@griffithbarbee.com

Cc: Tyler Farmer <Tyler.Farmer@bclplaw.com>; Ariel Martinez <ariel.martinez@bclplaw.com>; Chelsey Mam <Chelsey.Mam@bclplaw.com>; Justin Hanna <Justin.Hanna@bclplaw.com>; Kellie McDonald <Kellie.McDonald@bclplaw.com>

Subject: Marten Group, Inc., et al v. Jerald Tennant, et al.

Counsel:

Please see the attached letter from Tyler Farmer.



Erin Fujita
Legal Secretary
erin.fujita@bclplaw.com
T: +1 206 294 7387

Bryan Cave Leighton Paisner LLP
999 Third Avenue, Suite 4400, Seattle, WA 98104

bclplaw.com

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Exhibit B-3

Erin Fujita

From: Casey Griffith <casey.griffith@g Griffithbarbee.com>
Sent: Tuesday, September 24, 2024 1:49 PM
To: Chelsey Mam; Erin Fujita; Michael Barbee; Kirk Voss; Joshua Yun
Cc: Tyler Farmer; Ariel Martinez; Justin Hanna; Kellie McDonald
Subject: Re: Marten Group, Inc., et al v. Jerald Tennant, et al.

Follow Up Flag: Follow up
Flag Status: Completed

Chelsey,

I'm writing to follow up on our recently concluded Zoom conference attended by you, Justin, and Ariel for Defendants.

This email confirms that Plaintiffs are willing to split Dr. Tennant's deposition up over two days so that he doesn't have to sit for more than 3.5 hours on any single day. Also, I'm willing to accommodate your request to start deposition days for him at 1030 am, given you said that start time works better for his schedule.

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Please let me know if I have misunderstood.

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Regards,

Casey Griffith | Partner
Griffith Barbee PLLC
1722 Routh St., Ste. 910, Dallas, TX 75201
O: 214.446.6022 **C:** 214.662.7140

From: Chelsey Mam <Chelsey.Mam@bclplaw.com>
Date: Monday, September 23, 2024 at 5:32 PM
To: Erin Fujita <erin.fujita@bclplaw.com>, Casey Griffith <casey.griffith@g Griffithbarbee.com>, Michael Barbee <michael.barbee@g Griffithbarbee.com>, Kirk Voss <kirk.voss@g Griffithbarbee.com>, Joshua Yun <joshua.yun@g Griffithbarbee.com>
Cc: Tyler Farmer <Tyler.Farmer@bclplaw.com>, Ariel Martinez <ariel.martinez@bclplaw.com>, Justin Hanna <Justin.Hanna@bclplaw.com>, Kellie McDonald <Kellie.McDonald@bclplaw.com>
Subject: RE: Marten Group, Inc., et al v. Jerald Tennant, et al.

Counsel –

We are following up on our correspondence from Friday. Since we did not hear back from you regarding our proposed limits on the deposition, we would like to have a meet and confer tomorrow at 11 am (PT) / 1 pm (CT). We will send a calendar invite shortly. Please let us know if another time tomorrow afternoon works better for you.

Thanks,
Chelsey



Chelsey Mam
Attorney
Bryan Cave Leighton Paisner LLP - Seattle, WA USA
chelsey.mam@bclplaw.com
T: +1 206 294 7425

From: Erin Fujita <erin.fujita@bclplaw.com>
Sent: Friday, September 20, 2024 4:17 PM
To: casey.griffith@g Griffithbarbee.com; michael.barbee@g Griffithbarbee.com; kirk.voss@g Griffithbarbee.com; joshua.yun@g Griffithbarbee.com
Cc: Tyler Farmer <Tyler.Farmer@bclplaw.com>; Ariel Martinez <ariel.martinez@bclplaw.com>; Chelsey Mam <Chelsey.Mam@bclplaw.com>; Justin Hanna <Justin.Hanna@bclplaw.com>; Kellie McDonald <Kellie.McDonald@bclplaw.com>
Subject: Marten Group, Inc., et al v. Jerald Tenant, et al.

Counsel:

Please see the attached letter from Tyler Farmer.



Erin Fujita
Legal Secretary
erin.fujita@bclplaw.com
T: +1 206 294 7387

Bryan Cave Leighton Paisner LLP
999 Third Avenue, Suite 4400, Seattle, WA 98104
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